

REMARKS

Claims 1-9 and 15-31 remain pending for the present application. The present Office Action indicates Claims 1-9 and 15-27 are allowed. Applicants thank the Examiner for indicating allowed matter. Claims 1-9 and 15-31 have been amended. No new matter has been added. Applicants are submitting a new information disclosure statement (IDS) herewith to resolve the IDS issue raised by the Examiner.

35 U.S.C. 101 Rejections

The above referenced Office Action states that Claims 28-31 are rejected under 35 U.S.C. 101 because the claimed method, contained upon a medium, is not positively recited as tied to a particular machine or apparatus as decided by the court in *In re Bilski*. Claim 28 is amended herein. Under *In re Bilski*, F.3d 943 (Fed Cir. 2008), a method claim is patentable subject matter if (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing (emphasis in original). With regard to the “tied to a particular machine or apparatus” criteria, Applicants have amended Claim 28 to recite a tangible computer-readable medium having instructions stored thereon. Applicants respectfully assert that a computer-readable medium having instructions stored thereon ties the computer-readable medium and instructions to a particular machine or apparatus (e.g., computer system or device), as claimed. Therefore, Applicants respectfully assert that the tied to a particular machine or apparatus criteria has been satisfied.

Further, with regard to the “transforms a particular article into a different state or thing” criteria, Applicants point out that the In re Bilski court stated that a process transforming data is patentable where such data represents physical and tangible objects. Applicants respectfully point out that Claim 28 recites instructions to translate sequences of target instructions to produce sequences of host instructions, as claimed. Applicants point out that instructions or operations can represent physical and tangible objects. For example, instructions or operations represent the physical configuration or state of transistors (e.g., on or off) of a microprocessor. Therefore, Applicants respectfully assert that the “transforming a particular article into a different state or thing” criteria is additionally satisfied and thus Claim 28 is directed to statutory subject matter. Dependent Claims are allowable by virtue of their dependency. Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. Section 101 has been overcome.

Accordingly, Applicants respectfully assert that Claims 1-9 and 15-31 are in condition for allowance.

CONCLUSION

In light of the above-listed amendments and remarks, Applicant respectfully request continued allowance of the remaining Claims. The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,

MURABITO, HAO & BARNES, LLP

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/Michael D. Sochor/

Michael D. Sochor
Registration No. 58,348

Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060